

By: Blanco

H.B. No. 349

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the prosecution of the criminal offense of the
3 possession, manufacture, transport, repair, or sale of certain
4 parts designed to increase the rate of fire of a semiautomatic
5 rifle.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Sections 46.05(a) and (e), Penal Code, as
8 amended by Chapters 155 (H.B. 1819) and 814 (H.B. 913), Acts of the
9 85th Legislature, Regular Session, 2017, are reenacted and amended
10 to read as follows:

11 (a) A person commits an offense if the person intentionally
12 or knowingly possesses, manufactures, transports, repairs, or
13 sells:

14 (1) any of the following items, unless the item is
15 registered in the National Firearms Registration and Transfer
16 Record maintained by the Bureau of Alcohol, Tobacco, Firearms and
17 Explosives or otherwise not subject to that registration
18 requirement or unless the item is classified as a curio or relic by
19 the United States Department of Justice:

- 20 (A) an explosive weapon;
21 (B) a machine gun; or
22 (C) a short-barrel firearm;
23 (2) knuckles;
24 (3) armor-piercing ammunition;

1 (4) a chemical dispensing device;

2 (5) a zip gun;

3 (6) a tire deflation device; [~~or~~]

4 (7) a firearm silencer, unless the firearm silencer is
5 classified as a curio or relic by the United States Department of
6 Justice or the actor otherwise possesses, manufactures,
7 transports, repairs, or sells the firearm silencer in compliance
8 with federal law;

9 (8) [~~(7)~~] an improvised explosive device; or

10 (9) a part or combination of parts that is designed and
11 functions to increase the rate of fire of a semiautomatic rifle but
12 does not convert the semiautomatic rifle into a machine gun.

13 (e) An offense under Subsection (a)(1), (3), (4), (5), [~~or~~]
14 (7), or (8) is a felony of the third degree. An offense under
15 Subsection (a)(6) is a state jail felony. An offense under
16 Subsection (a)(2) or (9) is a Class A misdemeanor.

17 SECTION 2. To the extent of any conflict, this Act controls
18 over another Act of the 86th Legislature, Regular Session, 2019,
19 relating to nonsubstantive additions to and corrections in enacted
20 codes.

21 SECTION 3. The change in law made by this Act applies only
22 to an offense committed on or after the effective date of this Act.
23 An offense committed before the effective date of this Act is
24 governed by the law in effect on the date the offense was committed,
25 and the former law is continued in effect for that purpose. For
26 purposes of this section, an offense was committed before the
27 effective date of this Act if any element of the offense occurred

1 before that date.

2 SECTION 4. This Act takes effect September 1, 2019.